

REMARKS

Claims 1-18 are pending in the present application. Claims 1-18 are rejected. The Final Office Action mailed on April 29, 2005 has been noted, and its contents considered. The undersigned representative respectfully requests reconsideration in light of the arguments presented herein.

Rejection of claims 1-3, 6, 7, 9-11, 14, 15 and 18 under 35 U.S.C. §102(e)

Claims 1-3, 6, 7, 9-11, 14, 15 and 18 under §102(e) as being unpatentable over U.S. Patent No. 6,618, 735 B1 to Krishnaswami et al ("Krishnaswami"). This rejection is respectfully traversed.

In the Final Office Action, the Examiner respectfully disagrees with the applicant's previously submitted response in which the applicant argued that Krishnaswami *inter alia* failed to disclose "reinstalling the file at the remote location via the communication medium, thereby maintaining the integrity of the file" as claimed in independent claims 1 and 10 of the present application.

Although the Examiner specifically cites column 6, lines 16-59 as illustrating this element of claims 1 and 10 of the present application, the undersigned maintains that the section referenced by the Examiner does not teach reinstalling "via the communication medium." Column 6, lines 16-59, as identified by the Examiner describes the ability to restore a file to its original state when the file has been modified. However, the section of Krishnaswami as cited by the Examiner fails to discuss the use of a "communication medium" as presently claimed to restore the modified file. Absent this discussion, it is unclear from the section of Krishnaswami as cited by the Examiner whether the restoration of the files is done manually at the location of

the system having the corrupt file or by any other means. Considering the possibility of a manual restore, further in combination with the absence of a “communication medium,” Krishnaswami as cited by the Examiner fails to teach “reinstalling the file at the remote location via the communication medium.” Failure to teach each and every element of the claimed invention negates a rejection under §102(e).

Thus, for at least the reasons presented in this response, claims 1 and 10 as well as the claims which depend therefrom are patentable over Krishnaswami. Accordingly, it is respectfully requested that the rejections under 35 U.S.C. §102(e) be reconsidered and withdrawn.

Rejection of claims 4 and 12 under 35 U.S.C. § 103(a)


Claims 4 and 12 are rejected under §103(a) as being unpatentable over U.S. Patent No. 6,618, 735 B1 to Krishnaswami et al (“Krishnaswami”) as applied to claims 1 and 10 above, and further in view of U.S. Patent No. 6,665,659 B1 to Logan. However, as previously stated, Krishnaswami fails to teach each and every element of independent claims 1 and 10. Therefore, the undersigned respectfully request that the rejection of claims 4 and 12 as obvious under 35 U.S.C. §103(a) be reconsidered and withdrawn in light of the arguments presented in this response.

CONCLUSION

Should the Examiner have any comments, questions or suggestions of a nature necessary to expedite prosecution of the application, the Examiner is courteously requested to contact the undersigned representative at the number listed below. Furthermore, if any additional fees are required in connection with the filing of this response, the Commissioner is hereby authorized to charge the same to Deposit Account No. 501458.

Respectfully submitted,

Date: 5/30/06
KILPATRICK STOCKTON LLP
Suite 900
607 14th Street, N.W.
Washington, D.C. 20005
(202) 508-5800 (phone)
(202) 508-5858 (fax)

By: 
John W. Ball, Jr.
Registration No. 44,433